

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

VICTOR DIAZ,

Plaintiff,

v.

Case No. 2:05-cv-239
HON. ROBERT HOLMES BELL

LYLE RUTTER, et al.,

Defendants.

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**ORDER APPROVING
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties, and no objection has been made thereto within the time required by law.

THEREFORE, IT IS ORDERED that:

1. The Report and Recommendation of the Magistrate Judge (Docket #47) is approved and adopted as the opinion of the Court.
2. Defendants' motion to dismiss (Docket #30) is DENIED and plaintiff's motion for sanctions (Docket #39) is DENIED.

Date: November 20, 2006

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE